

**United States of America
National Labor Relations Board
Region 13**

Chicago Tribune Co., LLC d/b/a Northwest Indiana Post Tribune

Employer

and

Case 13-UC-148550

Chicago Newspaper Guild Local 34071
The News Guild/Communication Workers
of America, AFL-CIO

Petitioner

Chicago Tribune Co., LLC d/b/a Lake County News Sun

Employer

and

Case 13-UC-148555

Chicago Newspaper Guild Local 34071
The News Guild/Communication Workers
of America, AFL-CIO

Petitioner

Chicago Tribune Co., LLC d/b/a Pioneer Press

Employer

and

Case 13-UC-148565

Chicago Newspaper Guild Local 34071
The News Guild/Communication Workers
of America, AFL-CIO

Petitioner

DECISION AND ORDER

Upon petitions filed under Section 9(b) of the National Labor Relations Act, as amended, careful investigation and consideration took place.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in these proceedings to the undersigned Regional Director.

Upon the entire record in these proceedings, the Regional Director finds the Employers are engaged in commerce within the meaning of the Act and it will effectuate the purposes of the

Act to assert jurisdiction herein. The Regional Director further finds that clarification of the bargaining units in the respective petitions herein, is not warranted.

The instant petitions lack an accurate description of the present bargaining units and do not describe the proposed clarifications sought by the Chicago Newspaper Guild Local 34071 – The News Guild/Communication Workers of America, AFL-CIO (“Union-Petitioner”). See Section 102.61(d), Board’s Rules and Regulations. Despite repeated requests, the Union-Petitioner fails to identify the particular job classifications of employees at issue in the petitions, and the number of employees in such classifications. In its submission of evidence, the Union-Petitioner identifies individual employees who they want in the unit and how their individual duties have changed. Additionally, the petitions seek to clarify the standardized scope of unit language from Union-Petitioner’s 2012 and 2013 bargaining proposals in an apparent effort to seek through these clarification petitions what it failed to achieve through collective bargaining.¹

The investigation disclosed that the Union-Petitioner has represented certain employees at each of the above-captioned publishers for decades. Over time, each of the publishers went through a series of ownership changes wherein the Chicago Tribune Company ultimately acquired each of the publishers in late 2014, at which time it assumed the individual collective-bargaining agreements. The bargaining unit descriptions in each agreement are different.

Around December 2012, as part of negotiating successor contracts with Wrapports, Union-Petitioner proposed consolidating the separate contracts into one agreement and singular scope of unit language:

This Agreement covers all Employees of the Employer in the editorial departments **of the Chicago Sun-Times, Pioneer Press, Northwest Indiana Post Tribune, Lake County News Sun and Joliet Herald News employed, except for confidential employees, guards, supervisors and managers as defined by the National Labor Relations Act.** [Bold in original]

The Union-Petitioner reiterated its proposal to merge contracts and scope of unit in February 2013. However, the parties never agreed to a singular collective-bargaining agreement or altered the scope of unit language in any of the contracts.

Case 13-UC-148550

Based on the investigation, the existing bargaining unit at Northwest Indiana Post Tribune, Case 13-UC-148550, consists of eight employees and is described in the collective-bargaining agreement as:

¹ While the instant petitions seek the standardized scope of unit language at each individual publisher, they do not seek to merge the separate bargaining units. See, for example, *U.S. West Communications*, 310 NLRB 854 (1993).

All the employees of the Publisher covered by this Agreement. ... but excluding all department editors and such positions as defined by the NLRA, but not limited to the following: the Editor, Managing Editor, Deputy Managing Editor, Metro Editor, Creative Director, Photo Editor, Lifestyle Editor, Sports Editor, News Editor, Business Editor, Day Editor, Porter County Editor, Gary Editor, Lake County Editor and Editorial Page Editor are hereby excluded from the bargaining unit and are not covered by this Agreement. Also exempt from this Agreement is an Administrative Assistant to the Editor.

The investigation revealed that Union-Petitioner believes three individuals—Katherine Conley, and News Editors John Gard and Joe Puchek—should be added to the existing unit. The Union-Petitioner claims that due to reorganization several years back, these certain employees now perform bargaining unit work and are not managers or supervisors under the Act. However, the Union-Petitioner identifies only these certain individuals whose jobs have changed as opposed to classifications of employees whose jobs have changed, and the evidence is insufficient to show that processing a unit clarification petition for individual employees is appropriate.

On the face of this petition, Union-Petitioner proposes a clarification of “All full time and part time employees in the Northwest Indiana Post Tribune Editorial Department; but, excluding Confidential, Supervisors, Managerial and Guards as defined by the Act.” The petitioned-for clarification only eliminates 16 excluded classifications. The Union-Petitioner does not identify any job classifications to be added to the unit.

Case 13-UC-148555

The existing bargaining unit at Lake County News Sun, Case 13-UC-148555, consists of five employees and is described in the collective-bargaining agreement as:

All employees of the Publisher in the Editorial Department of The Lake County News-Sun. Specifically excluded from the provisions of this Agreement are the Managing Editor, Secretary to the Editor and Managing Editor, Assistant Managing Editor/Systems Editor, News Editor, Sports Editor, Features Editor, Photo Editor, Opinion/Editorial Page Editor, City Editor, and all supervisors, managers and confidential employees as defined by the National Labor Relations Act, as amended.

The investigation revealed that Union-Petitioner believes three individuals—Metro Editor Julie Crye, News Editor Charles Berman, and Sports Editor Jeff Bonato—should be added to the existing unit. The Union-Petitioner claims that due to reorganization several years back, these certain employees now perform bargaining unit work and are not managers or supervisors under the Act. However, the Union-Petitioner identifies only certain individuals whose jobs have changed as opposed to classifications of employees whose jobs have changed, and the evidence is insufficient to show that processing a unit clarification petition for individual employees is appropriate.

On the face of this petition, Union-Petitioner proposes a clarification of “All full time and part time employees in the Lake County News Sun Editorial Department; but, excluding Confidential, Supervisors, Managerial and Guards as defined by the Act.” The petitioned-for clarification only eliminates nine excluded classifications. The Union-Petitioner does not identify any job classifications to be added to the unit. Additionally, the investigation reveals that the existing unit is comprised of five employees and an attempt to add at least three employees to the existing unit would not necessarily be appropriate for a unit clarification petition.

Case 13-UC-148565

The existing bargaining unit at Pioneer Press, Case 13-UC-148565, consists of 21 employees and is described in the collective-bargaining agreement as:

All full time and regular part time editorial employees employed by the Employer, but excluding executive editor, deputy executive editor, bureau chiefs, managing editors, group sports editors, group leisure arts/entertainment editors, group copy desk managers, make-up desk shift managers, group photo chiefs, promotion department employees, stringers, production employees, display advertising employees, classified ad employees, circulation employees, data processing employees, accounting employees, personnel employees, confidential employees, managerial employees, guards and supervisors as defined in the National Labor Relations Act and all other employees.

The investigation revealed that Union-Petitioner believes three individuals—Assistant Editors John Borneman, Sara Burrows, and Richard Martin—should be added to the existing unit. The Union-Petitioner claims that due to reorganization several years back, these certain employees now perform bargaining unit work and are not managers or supervisors under the Act. However, the Union-Petitioner identifies only certain individuals whose individual jobs have changed as opposed to classifications of employees whose jobs have changed, and the evidence is insufficient to show that processing a unit clarification petition for individual employees is appropriate.

On the face of this petition, Union-Petitioner proposes a clarification of “All full time and part time employees in the Pioneer Press Editorial Department; but, excluding Confidential, Supervisors, Managerial and Guards as defined by the Act.” The petitioned-for clarification only eliminates 18 excluded classifications. The Union-Petitioner does not identify any job classifications to be added to the unit. Additionally, based on the classifications of the individual employees identified by the Union-Petitioner, the investigation revealed that the total number of employees in the classification of Assistant Editor is at least seven. The Union-Petitioner does not appear to claim that four employees in this job classification should be in the unit. Regardless, adding such a large number to the existing unit of 21 would also not necessarily be appropriate for a unit clarification petition.

ORDER

Accordingly, the petitions filed in these matters are dismissed.

Right to Request Review: Pursuant to Section 102.67 of the National Labor Relations Board's Rules and Regulations, you may obtain a review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1099 14th Street NW, Washington, DC 20570-0001. The request for review must contain a complete statement of the facts and reasons on which it is based.

Procedures for Filing Request for Review: A request for review must be received by the Executive Secretary of the Board in Washington, DC, by close of business (**5 p.m. Eastern Time**) on **June 11, 2015**, unless filed electronically. If filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time on June 10, 2015**.

Consistent with the Agency's E-Government initiative, parties are encouraged, but not required, to file a request for review electronically. Section 102.114 of the Board's Rules do not permit a request for review to be filed by facsimile transmission. A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations.

Filing a request for review electronically may be accomplished by using the Efiling system on the Agency's website at www.nlr.gov. Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off line or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

Upon good cause shown, the Board may grant special permission for a longer period within which to file a request for review. A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

Chicago Tribune Co., LLC d/b/a Northwest Indiana Post Tribune, Lake County News Sun, and Pioneer Press
Cases 13-UC-148550, 13-UC-148555, and 13-UC-148565

Dated May 28, 2015 at Chicago, Illinois

/s/ **Peter Sung Ohr**

Peter Sung Ohr, Regional Director
National Labor Relations Board - Region 13
209 S. LaSalle Street, Suite 900
Chicago, Illinois 60604

cc: Office of the Executive Secretary (by e-mail)

Craig Rosenbaum, Esq., Executive Director
Chicago Newspaper Guild
17 N State Street, Suite 1700
Chicago, IL 60602-3293

Kristin E. Michaels, Esq.
Seyfarth Shaw LLP
131 S Dearborn Street, Suite 2400
Chicago, IL 60603-5577

Matthew R. Harris, Esq.
Communications Workers of America
20525 Center Ridge Road, Suite 700
Cleveland, OH 44116-3453

Norma Magana de Jesus, HR Director
Chicago Tribune Co.
435 N Michigan Avenue, Suite 3
Chicago, IL 60611-6229

Stanley Eisenstein, Esq.
Joshua M. File, Esq.
Katz Friedman
77 W Washington Street, Suite 2000
Chicago, IL 60602

MP/djs